

August 12, 2011

VIA ECFS

Ms. Marlene H. Dortch
Federal Communications Commission (FCC)
Office of the Secretary
445 12th Street SW
Washington, DC 20554

Re: Commercial Availability of Navigation Devices, CS Docket No. 97-80

Dear Ms. Dortch:

The purpose of this letter is to provide comment from a consumer on requests for waivers of 47 CFR 76.1204(a) (1) by NCTA, Charter, Verizon, and all other cable providers. This letter will also serve to provide an additional comment with respect to the current state of navigation devices required to access Switched Digital Video (SDV) on cable provider networks.

As a current user of retail navigation devices (TiVo Series 3 product and a TiVo HD product) on the Bright House Networks cable system in Tampa Florida, I am very familiar with the use of CableCard devices and Tuning Adapters on the Bright House Networks cable infrastructure.

Refuse requests for waivers of 47 CFR 76.1204(a)(1)

The FCC's integration ban, which in effect requires cable companies to integrate CableCARDs into their own set-top boxes, remains good policy today. I urge you to refuse requests for waivers of 47 CFR 76.1204(a)(1).

By adopting content protection limits (encoding rules) in docket no. 97-80, the Commission recognized the importance of allowing consumers to make certain uses of TV content, regardless of a particular cable provider's or copyright holder's wishes. With competition spurred on by the integration ban, consumers would have the freedom to choose the least restrictive cable-compatible device available. The CableCARD standard already prescribes restrictions that harm consumers by limiting non-infringing uses, and such restrictions will get even worse if cable providers' set-top boxes are unchecked by competition.

Please refuse requests for waivers of 47 CFR 76.1204(a)(1).

Tuning Adapters act as a choke-point for adoption of consumer retail boxes

Although software upgrades recently distributed to my home's leased Tuning Adapter have resulted in improved reliability of SDV reception, the Tuning Adapter two

box solution acts as a choke-point to ensure that retail boxes cannot compete on equal footing with MSO leased-boxes. Two boxes consume more power and space in a consumer's home and discourage consumers from selecting a retail box solution like TiVo. The commission should revisit mandating an IP backchannel for tuning of SDV which would result in a better, cheaper, and more customer friendly solution.

CONCLUSION

The commission should refuse requests for waivers of 47 CFR 76.1204(a)(1) to keep the competitive landscape equal between retail and leased devices. The commission should revisit access to SDV to level the playing field between leased and retail set-top boxes in a similar manner to what was done with CableCARDs. An IP backchannel mandate would essentially accomplish the elimination of a 2nd box required in all retail installations.

Respectfully submitted,



Samuel J. Biller
819 Seddon Cove Way
Tampa, FL 33602
T: (813) 915-6416
sam.biller@gmail.com

Aug 12, 2011